

1 EDMUND G. BROWN JR.
Attorney General of California
2 JANICE K. LACHMAN, State Bar No. 186131
Supervising Deputy Attorney General
3 KENT D. HARRIS
Deputy Attorney General
4 State Bar No. 144804
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-7859
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11
12 In the Matter of the Accusation Against:

Case No. **2010-233**

13 **NANCY KAREN MONDRAGON**
154 Canyon Rim Drive
14 Folsom, California 95630

A C C U S A T I O N

15 **Registered Nurse License No. 332459**
16 **Public Health Nurse License No. 32380**

17 Respondent.

18 Louise R. Bailey, M.Ed., RN ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Accusation solely in her official capacity as the Interim
21 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer
22 Affairs.

23 **Registered Nurse License**

24 2. On or about September 30, 1981, the Board issued Registered Nurse License Number
25 332459 to Nancy Karen Mondragon ("Respondent"). The license will expire on
26 February 28, 2011, unless renewed.

27 ///

28 ///

1 Public Health Nurse License

2 3. On or about March 3, 1982, the Board issued Public Health Nurse License Number
3 32380 to Respondent. The license will expire on February 28, 2011, unless renewed.

4 **JURISDICTION**

5 4. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that
6 the Board may discipline any licensee, including a licensee holding a temporary or an inactive
7 license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing
8 Practice Act.

9 5. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
10 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
11 to render a decision imposing discipline on the license. Under Code section 2811(b), the Board
12 may renew an expired license at any time within eight years after the expiration.

13 **STATUTORY PROVISIONS**

14 6. Code section 2761 states, in pertinent part:

15 "The board may take disciplinary action against a certified or licensed nurse or deny an
16 application for a certificate or license for any of the following:

17 (a) Unprofessional conduct, which includes, but is not limited to, the following:

18 (1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing
19 functions."

20 7. California Code of Regulations, title 16, section 1442, states:

21 "As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from
22 the standard of care which, under similar circumstances, would have ordinarily been exercised by
23 a competent registered nurse. Such an extreme departure means the repeated failure to provide
24 nursing care as required or failure to provide care or to exercise ordinary precaution in a single
25 situation which the nurse knew, or should have known, could have jeopardized the client's health
26 or life."

27 ///

28 ///

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

2
3
4
5

6

7
8
9
10

11
12
13
14
15
16
17

18

19

20

21

22
23

24

25

26

27

28

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Gross Negligence)**

3 15. Respondent is subject to discipline under Code section 2761(a), on the grounds of
4 unprofessional conduct, as defined in Code section 2761(a)(1), in that on or about
5 December 12, 2004, while on duty as a triage nurse in the emergency room at Kaiser Permanente
6 Medical Center, located in Sacramento, California, Respondent was grossly negligent as follows:

- 7 a. Respondent failed to recognize N.D.'s abnormal vital signs.
8 b. Respondent failed to recognize that N.D. was in respiratory distress.
9 c. Respondent failed to recognize the significance of her inability to obtain a pulse
10 oximetry reading.

11 Respondent failed to consider the above, in conjunction with N.D.'s medical history, which
12 cumulatively demonstrated how critically ill N.D. was, and indicated the need to seek immediate
13 intervention.

14 **SECOND CAUSE FOR DISCIPLINE**

15 **(Unprofessional Conduct)**

16 16. Respondent is subject to discipline under Code section 2761(a), on the grounds of
17 unprofessional conduct, in that on or about December 12, 2004, while on duty as a triage nurse in
18 the emergency room at Kaiser Permanente Medical Center, located in Sacramento, California,
19 Respondent demonstrated unprofessional conduct, as more particularly set forth above in
20 paragraph 15.

21 **PRAYER**

22 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
23 and that following the hearing, the Board issue a decision:

24 1. Revoking or suspending Registered Nurse License Number 332459, issued to
25 Nancy Karen Mondragon;

26 2. Revoking or suspending Public Health Nurse License Number 32380, issues to Nancy
27 Karen Mondragon;

28 ///

1 3. Ordering Nancy Karen Mondragon to pay the Board the reasonable costs of the
2 investigation and enforcement of this case, pursuant to Business and Professions Code section
3 125.3; and,

4 4. Taking such other and further action as deemed necessary and proper.

5
6 DATED: _____

10/22/09

Louise R. Bailey

LOUISE R. BAILEY, M.Ed., RN
Interim Executive Officer
Board of Registered Nursing
State of California
Complainant

10 SA2009309391;rev.10/15/09
11 10474932.doc
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28